

Message Text

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PAGE 01 USBERL 00562 241751Z
ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 /026 W
-----241758 030571 /46

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FM USMISSION USBERLIN
TO SECSTATE WASHDC NIACT IMMEDIATE 0000
INFO AMEMBASSY BONN NIACT IMMEDIATE

C O N F I D E N T I A L USBERLIN 0562

EXDIS

E O 11652: GDS
TAGS: PFOR PGOV US WB FR UR

REFS: A) USBERLIN 539, B) BONN 3233, C) USBERLIN 551,
D) STATE 41037, E) BONN 3292, F) BONN 3529

SUMMARY: TRIPARTITE CONSULTATIONS WERE HELD ON
MORNING OF 24 FEBRUARY AT UK BER TO DISCUSS PRESS GUIDANCE
ON HESS SUICIDE ATTEMPT AND POSSIBLE SOVIET OBJECTION
TO PREVIOUSLY AGREED VISIT BY HESS' SON. THREE POWERS
AGREED THAT PRESS SPOKESMAN WOULD OFFER NO COMMENT ON
SUICIDE ATTEMPT AND WOULD ADD THAT HESS IS IN GOOD
PHYSICAL CONDITION. SOVIETS WOULD NOT BE ALLOWED
UNILATERALLY TO RETRACT THEIR AGREEMENT TO VISIT BY
HESS' SON, BUT IF THEY WERE INSISTENT IN THEIR OPPOSITION,
OR MEDICAL REPORT SO INDICATED, WE WOULD CONSIDER
AGREEING TO POSTPONEMENT OF VISIT TO A FUTURE DATE.
END SUMMARY.

1. THURSDAY MORNING 24 FEBRUARY, FR POLAD AND US &
UK DEPUTY POLADS AND LEGAL ADVISERS MET AT UK BER TO
DISCUSS SUBJECT MATTERS IN LIGHT OF BONN GROUP CONSENSUS
(REFTEL E) AND IN PREPARATION GOVERNORS' MEETING
SCHEDULED FOR 2 P.M., WHERE GOVERNORS EXPECTED TO
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RECEIVE DOCTORS' REPORT ON HESS AND POSSIBLE SOVIET
OBJECTION TO PREVIOUSLY AGREED VISIT BY HIS SON ON
FEBRUARY 25.

2. PRESS GUIDANCE: IT WAS AGREED FOLLOW BONN GROUP
CONSENSUS WITH MINOR CHANGES. THUS (WHILE ACTUAL TEXT
WAS NOT PREPARED) IT WAS AGREED PRESS SPOKESMAN, IF

QUERIED, WOULD MAKE STATEMENT ALONG FOLLOWING LINES:

"WE DO NOT COMMENT ON EVENTS TAKING PLACE WITHIN PRISON. HESS IS IN GOOD PHYSICAL CONDITION".

3. VISIT BY HESS' SON: BONN GROUP CONSENSUS WAS PREDICATED ON UK-BONN LEGAL ADVISER'S (CHAMBERLAIN) OPINION THAT SOVIETS COULD VETO FEBRUARY 25 VISIT BY HESS' SON (PARA 2 REFTEL E) EVEN THOUGH SOVIETS HAVE ALREADY AGREED TO THE VISIT IN A SIGNED MINUTE OF GOVERNORS' MEETING. UK BER LEGAL ADVISER COULD NOT CONFIRM LEGAL BASIS THIS OPINION. WE WERE LATER INFORMED THAT CHAMBERLAIN MEANT THAT A PASS SIGNED BY FOUR GOVERNORS MUST BE ISSUED TO VISITOR TO ENABLE VISITOR ENTER PRISON GROUNDS, AND THAT CHAMBERLAIN BELIEVED PASS FOR HESS' SON HAD NOT AND MIGHT NOT BE SIGNED BY SOVIET GOVERNOR. WE ARE ADVISED, HOWEVER, THAT PASS WAS SIGNED AND THAT CHAMBERLAIN NO LONGER ARGUES THAT SOVIETS CAN UNILATERALLY FRUSTRATE VISIT. ALTHOUGH ABOVE CLARIFICATION WAS NOT KNOWN TO US DURING TRIPARTITE DISCUSSION, WE CONCLUDED THAT SOVIETS SHOULD NOT BE ALLOWED UNILATERALLY TO REPUDIATE AGREEMENTS REACHED BY FOUR GOVERNORS. THUS ANY ARGUMENT THAT THE SOVIET GOVERNOR WAS WITHDRAWING HIS AGREEMENT TO VISIT WOULD BE REJECTED BY WESTERN GOVERNORS. HOWEVER, SINCE ULTIMATE TARGET OF ANY SOVIET DISPLEASURE WOULD BE HESS, WHOSE WELFARE WE HAD IN MIND, IF SOVIETS WERE TO PRESS FOR CANCELLATION OF VISIT, WESTERN GOVERNORS COULD INDICATE A WILLINGNESS TO CONSIDER POSTPONEMENT OF VISIT TO ANOTHER TIME.

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4. COMMENT: WE CONSIDER THAT IT IS NECESSARY TO MAINTAIN THE FINALITY OF AGREEMENTS REACHED BY THE FOUR GOVERNORS AND ALSO TO AVOID WESTERN ACTIONS WHICH RESULT IN SOVIET UNWILLINGNESS TO EXTEND COMPASSIONATE TREATMENT TO HESS. BALANCING OF THESE FACTORS HAS SERVED AS BASIS OF OUR APPROACH TO PROBLEM. HOWEVER WE DO NOT SHARE VIEW THAT ABSENT FOUR POWER AGREEMENT USBER OR HIGHER USG INSTANCE IS PRECLUDED FROM COMMENTING ON SPANDAU OR HESS. PRISON REGULATIONS WHICH IMPOSE REQUIREMENT OF FOUR POWER CONCURRENCE IMPOSE OBLIGATION ON GOVERNORS AND SUBORDINATE PERSONNEL, BUT NOT ON LEGAL COMMITTEE (HIGHER EXECUTIVE AUTHORITY FOR SPANDAU) OR KOMMANDATURA (SUPREME EXECUTIVE AUTHORITY) OR AMBASSADORS. THUS USBER DOES NOT FIND LEGAL OBLIGATION ON GOVERNMENTS RPT GOVERNMENTS TO REACH FOUR POWER AGREEMENT ON PRESS STATEMENTS.

5. DOCTORS' REPORT WAS RECEIVED IN EARLY AFTERNOON

24 FEBRUARY. THEIR RECOMMENDATION, CONCURRED IN BY SOVIET DOCTOR, IS THAT HESS IS ABLE TO RECEIVE VISITOR, AND SHOULD EVEN RECEIVE VISITORS TWICE MONTHLY (INSTEAD OF CURRENT PRACTICE OF ONE VISIT PER MONTH).

6. TELEPHONE CALL JUST RECEIVED FROM SPANDAU INDICATES THAT GOVERNORS' MEETING RESULTED IN DEADLOCK. DETAILS ARE NOT AVAILABLE EXCEPT THAT GOVERNORS HAVE AGREED TO MEET AGAIN AT 0830 FEBRUARY 25. SAME GROUP AS CONVENED EARLY 24 FEBRUARY WILL MEET WITHIN NEXT HALF-HOUR TO DISCUSS WITH WESTERN GOVERNORS RESULTS OF GOVERNORS' MEETING AND SEEK WAY OUT OF IMPASSE. WOLF-RUEDIGER HESS EXPECTS TO SEE FATHER AT CIRCA 10:00 TOMORROW AND WILL BE IN BERLIN TOMORROW MORNING IN ANY EVENT. IF HE IS TOLD THAT VISIT HAS BEEN CANCELLED AT LAST MINUTE, HE WILL WANT TO KNOW WHY AND WHAT ANSWER TO GIVE HIM WILL ALSO HAVE TO BE DISCUSSED ON CONFIDENTIAL

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URGENT BASIS. WE WILL REPORT FURTHER DURING COURSE OF EVENING.GEORGE

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
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Concepts: BERLIN TRIPARTITE MATTERS, POLITICAL PRISONERS
Control Number: n/a
Copy: SINGLE
Sent Date: 24-Feb-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
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Disposition Reason:
Disposition Remarks:
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ISecure: 1
Legacy Key: link1977/newtext/t19770211/aaaaajzs.tel
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Litigation Codes:
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Original Previous Classification: n/a
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Secure: OPEN
Status: NATIVE
Subject: BERLIN TRIPARTITE MATTERS- HESS SUICIDE
TAGS: PFOR, PGOV, US, WB, FR, UR, (HESS, RUDOLPH)
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/ac551fbf-c288-dd11-92da-001cc4696bcc
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